

16603

Lynwood Lanier Shull.

16603

\$ 14.-

Transcript in
FBI

144-67-12

FBI

in W.C

(Truman Library has some info)
(Woodward)

479

22

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

FILED

SEP 26 1946

ERNEST L. ALLEN
CLERK U.S.C.

UNITED STATES OF AMERICA

v.

NO. 16,603

(18 U.S.C. Sec. 52)

LYNWOOD LANIER SHULL

16603

THE UNITED STATES ATTORNEY CHARGES: On February 12, 1946, in Batesburg, Lexington County, South Carolina, Lynwood Lanier Shull, who was a police officer and Chief of Police employed by the municipality of Batesburg, South Carolina, under the laws of the State of South Carolina and the ordinances and regulations of the said municipality, did wilfully, under color of the laws, statutes, ordinances, regulations and customs of the State of South Carolina, Lexington County, and the municipality of Batesburg creating the offices of police officer and Chief of Police, subject and cause to be subjected Isaac Woodard, Jr., a Negro citizen and inhabitant of the State of New York and of the United States, to the deprivation of rights, privileges and immunities secured and protected to him by the Constitution and laws of the United States, to wit, the right to be secure in his person and to be immune from illegal assault and battery; the right and privilege not to be beaten and tortured by persons exercising the authority to arrest; the right and privilege not to be beaten, tortured, and subjected to cruel and unusual punishment because of having committed any offense; the right and privilege not to be denied equal protection of the laws; and the right and privilege not to be subjected to different punishments, pains and penalties by reason of his race and color than are prescribed for the punishment of citizens; all of such rights, privileges, and immunities being secured to Isaac Woodard, Jr., by the 14th Amendment to the Constitution of the United

States as against deprivation by any person vested with and acting under the authority of the State of South Carolina or any county or municipality thereof; that is to say, that on the evening of February 12, 1946, the defendant, Lynwood Lanier Shull, while acting as a police officer and Chief of Police as aforesaid, arrested and caused to be arrested Isaac Woodard, Jr., brought and caused him to be brought to the police station at Batesburg, South Carolina, and did assault, strike and beat him about the head with a blackjack, thereby seriously injuring him and causing loss of eyesight and total blindness to Isaac Woodard, Jr.


United States Attorney.

September 26, 1946.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

FILED

DEC 23 1946

ERNEST L. ALLEN
U.S. DISTRICT JUDGE

UNITED STATES)

Cr/16,603

vs.)

ORDER

LYNWOOD LANIER SHULL)

In the above entitled cause it appeared to the Court that there would probably be an unusually large attendance of persons and also there appeared the possibility of public feelings being aroused and danger of disturbance. Under these circumstances, I directed the Marshal to take more than usual precautions to preserve order and protect all parties, including defendant as well as witnesses. I was informed that two of the regular Deputy Marshals were on suspension which materially cut down the Marshal's force, and I directed the Marshal that he should engage extra help if necessary as in my opinion it was highly important that there should be no untoward occurrences in this matter. The Marshal, in addition to the usual force, engaged one extra bailiff and I thoroughly concurred in his action and approved the same at the time. I deem it proper to confirm this oral direction by this written Order. Accordingly, it is

ORDERED that the action of the Marshal in engaging an extra bailiff during the term of court at Columbia, South Carolina, in November 1946 be and the same is hereby confirmed and approved.

December 23, 1946.


United States District Judge.

OFFICE OF THE CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

COLUMBIA 29202

P. O. BOX 867

June 24, 1980

Mr. George McMillan
343 Warren Avenue
Baltimore, Md. 21230

Re: United States of America,
vs. Lynwood Lanier Shull
Criminal No. 16,603

Dear Mr. McMillan:

I acknowledge your letter of May 28, 1980, requesting confirmation of statement made in the above stated case. My delay in answering was due to the securing of the file from the Federal Records Center, East Point, Georgia, where we have them in storage.

In checking the file and transcript of the trial, I have been unable to verify the alleged statement made by the prosecuting attorney, "that this was the first civil rights case ever tried in South Carolina".

The only place that this statement may be verified would be the Justice Department, Civil Rights Division, Washington, D.C.

The facts of the trial are correct as to the place, date, parties and the Judge.

Sincerely yours,

MILLER C. FOSTER, JR.,
CLERK, U. S. D. C.

By:

Ralph D. Priester
Deputy Clerk

rdp/s

UNITED STATES OF AMERICA,

Eastern District of South Carolina

Division

BE IT REMEMBERED, That on this 28th. day of September A. D. 19 46

before me, R. Beverley Sloan, a United States Commissioner for the said Eastern District of S. C. Division, personally came *Wynwood L. Shuck* Principal and *Gyrie E. Jones and H. Fletcher Boatwright and H. Ernest Shuck* Sureties and jointly and severally acknowledged themselves to owe the United States of America the sum of Two thousand Dollars, to be levied on their goods and chattels, land and tenements, if default be made in the condition following, to-wit:

THE CONDITION of this Recognizance is such, that if the said *Wynwood L. Shuck* Principal shall personally appear before the District Court of the United States in and for the Eastern District of South Carolina, on the first day of the November term, 19 46, to be begun and held at the City Columbia at 9 o'clock A. M., on the 4th. day of November A. D. 19 46 and from day to day and from time to time thereafter, until finally discharged therefrom, then and there to answer the charge ~~that on or about the~~ day of ~~19~~, ~~within said district in violation of~~ ~~he did unlawfully~~ under and Information filed against him in said Court on the 26th. September 1946 for an alleged offense committed on or about 12th. February 1946 in violation of Section 52 Title 18 United States Code

contrary to the form of the statute in such cases made and provided and against the peace and dignity of the United States of America, and then and there abide the judgment of the said Court and not depart without leave thereof, then this Recognizance to be void, otherwise to remain in full force and virtue.

POST OFFICE ADDRESS

Wynwood L. Shuck [SEAL] *Bakerburg S.C.*

Gyrie E. Jones [SEAL] *" "*

H. Fletcher Boatwright [SEAL] *" "*

H. Ernest Shuck [SEAL] *" "*

Taken and acknowledged before me on the day and year first above written.

[SEAL] *Wynwood L. Shuck*

United States Commissioner as aforesaid.

UNITED STATES OF AMERICA,

Eastern District of South Carolina

Division

Affidavit of Surety.

Gyrie E. Jones a surety on the annexed recognizance, being duly sworn, deposes and says that he resides at *Bakerburg S.C.* in the County of *Lexington* in said District, that he is the owner of real estate in *Lexington County* in the District of *aforesaid*, that he is worth at least the sum of *Two thousand dollars* over and above all his, her, just debts and liabilities, in property subject to execution and sale, and that his, her, property consists of *house and lot Bakerburg S.C. valued at \$70,000.00 and \$150 house near Bakerburg S.C. valued at \$75,000.00 both in my name and located at *Lawrence in number and**

Sworn to and subscribed before me, this 28th. day of September A. D. 19 46

[SEAL] *Wynwood L. Shuck*

United States Commissioner as aforesaid.

UNITED STATES OF AMERICA,

District of

Division

Affidavit of Surety.

a surety on the annexed recognizance, being duly sworn, deposes and says that he resides at in the of in said District, that he is the owner of real estate in in the District of, that he is worth at least the sum of over and above all his, her, just debts and liabilities, in property subject to execution and sale, and that his, her, property consists of

located at

Affiant's Signature

Sworn to and subscribed before me, this day of, A. D. 19

[SEAL]

United States Commissioner as aforesaid.

District Court of the United States of America

Eastern District of South Carolina

SEPTEMBER Term, 194 6

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To Norris M. Thomas, Esq., U. S. Marshal, or His Lawful Deputies—Greeting:

an Information
WHEREAS, ~~arrested~~ has been ~~found against~~ filed against

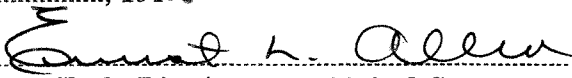
LYNWOOD LANIER SHULL

for Vic. Sec. 52, Title 18, USCA

and whereas the said LYNWOOD LANIER SHULL, defendant,
has not been arrested thereunder,

THESE ARE, THEREFORE (by order of Court), to require you to seize, arrest, and bring before
this Court, or the nearest U. S. Commissioner, to be dealt with according to law, the said LYNWOOD
LANIER SHULL "unless he shall sooner surrender himself and enter into recognizance
as herein provided for" in the amount of Two Thousand (\$2000.00) Dollars.

GIVEN under my hand and the seal of said Court, at Clerk's office,
in the city of Charleston, this 28th day
of September, 1946.


Clerk, District Court United States,
Eastern District of South Carolina

The within named Lynwood Lanier Shull
surrendered to U.S. Commissioner, R. Beverly
Sloan, Columbia S.C. on the 28th day of
Sept. 1946, and was released after posting
bond for \$2000.00.

Noted M. Thomas

U.S. Marshal

Charles B. Brushing, Deputy

16,603

26-150

L,)#

District Court of the United States
Eastern District of South Carolina

THE UNITED STATES

vs.

LYNWOOD LANIER SHULL

BENCH WARRANT FOR ARREST

FILED

OCT 2 - 1946

ERNEST L. ALLEN
CLERK

The United States of America

EASTERN DISTRICT OF SOUTH CAROLINA

FILED

IN THE DISTRICT COURT

SEP 27 1946

ERNEST L. ALLEN
C. D. C. U. S. E. D. S. C.

THE UNITED STATES

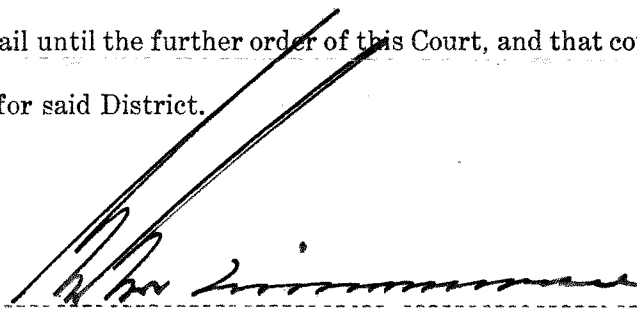
vs.

Lynwood Lanier Shull,

ORDER FOR BENCH WARRANT

It being brought to the attention of the Court that an Information has been presented against the above-named defendant for having violated the provisions of Section 52, of Title 18, United States Code, of the United States, and that the defendant Lynwood Lanier Shull has not been arrested thereunder,

On motion of the United States Attorney, it is ORDERED, That the Clerk of this Court do forthwith issue out of and under the seal of this Court, a warrant for the apprehension and arrest of the said defendant, Lynwood Lanier Shull, unless he shall sooner surrender himself or enter into recognizance as herein provided for, that upon his apprehension and arrest he be taken before the nearest United States Commissioner for the Eastern District of South Carolina, and there allowed to enter into recognizance in the sum of Two Thousand (\$2,000.00) dollars, with good and sufficient surety who will justify thereto, and be approved of by said Commissioner, conditioned for his appearance at the next term of this Court, and from day to day, and from time to time, and from term to term, whether regular or special, until finally discharged therefrom, and that he will from time to time abide by the judgment of this Court, and that he will not depart the Court without leave thereof, and that upon the failure of the said defendant to enter into such recognizance, that such defaulting defendant be committed to jail until the further order of this Court, and that copies of this order be furnished to the United States Marshal for said District.


 United States Judge, Eastern District of South Carolina.

 September 27th, 1946.

District Court of the United States of America

EASTERN DISTRICT OF SOUTH CAROLINA

THE PRESIDENT OF THE UNITED STATES OF AMERICA*To the Marshal of the Eastern District of South Carolina—GREETING:*

WE COMMAND YOU to summon

Allie Walton Bryant, Batesburg, S.C.
 Alton Cox Blackwell, Bus Driver, Atlantic Greyhound Bus Co., Apt. H, No. 1, Colonial Village, Columbia, S. C.
 Dr. W. W. King, Batesburg, S.C.
 Dr. Arthur W. Clancy, M/C Veterans Hospital, Columbia, S. C.
 if they shall be found in your District, to be and appear before our

Judge of our District Court of the United States for the

Eastern District of South Carolina, at the November

term thereof

holden at Columbia, S. C.

in the District aforesaid, on the

day of November

to testify on behalf of Plaintiff

in the case wherein United States

Plaintiff

and Lynwood Lanier Shull,

Defendant

and this you will in nowise omit, under penalty of the law in that case made and provided; and have you then and there this writ.

WITNESS the Hon. J. Waties Waring Judge of our District Court of the

United States of America, at Charleston, S. C. this 29th day

of October, 1946

Ernest L. Allen, Clerk.

PRAECIPE FOR SUBPOENA ON BEHALF OF UNITED STATES

D. C. Form No. 26

United States District Court

DIVISION, Eastern DISTRICT OF S. C.

THE UNITED STATES OF AMERICA

vs.

Lynwood Lanier Shull (16,603-)

No. 3

The Clerk of said Court will issue Subpoena for the following-named persons to appear before said Court, at the United States Court Rooms, in Columbia, S.C., at 9:30 o'clock, A. M., on the 4th day of November, 1946, then and there to testify in behalf of the United States:

Names	Addresses
Jennings Stroud,	1917 Green St., Columbia, S.C.

This 30 day of October, 1946, 19

Subpoena issued: OCT 30 1946, 19

O. N. Sapp
United States Attorney.

District Court of the United States of America

EASTERN DISTRICT OF SOUTH CAROLINA

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Eastern District of South Carolina—GREETING:

WE COMMAND YOU to summon

Dr. Mortimer D. Burger, M/C Veterans Hospital,

Columbia, S. C.

Mcquilla Hudson,

Route 2, Box 20, sent to Hal Shull, 10-30-46 Cribin,

Lunchburg, S.C.

if they

shall be found in your District, to be and appear before our

Judge of our District Court of the United States for the

Eastern District of South Carolina, at the

November

term thereof

holden at Columbia, S. C.

in the District aforesaid, on the

4 day of

November

to testify on behalf of Plaintiff

in the case wherein United States

Plaintiff

and Lynwood Lanier Shull,

Defendant

and this you will in nowise omit, under penalty of the law in that case made and provided; and have you then and there this writ.

WITNESS the Hon. J. Waties Waring

Judge of our District Court of the

United States of America, at Charleston, S. C. this 29th day

of October, 1946

Ernest T. Allen, Clerk.

PRAECIPE FOR SUBPOENA ON BEHALF OF UNITED STATES

D. C. Form No. 26

United States District Court

DIVISION, DISTRICT OF

THE UNITED STATES OF AMERICA

vs.

Lynwood Lanier Shull (

No. _____

The Clerk of said Court will issue Subpoena for the following-named persons to appear before said Court, at the United States Court Rooms, in Columbia, S.C., at 9:30 o'clock, A. M., on the 4 day of November, 1946, then and there to testify in behalf of the United States:

Names

Addresses

xx Franklin H. Williams 20th W. Fortieth St., New York, City, N.Y.

Isaac Woodward, Jr., / 1166 Franklin Ave., Bronx, N.Y.

This 2 day of November 1946, 19

Subpoena issued: _____, 19

United States Attorney.

United States District Court

DIVISION, Eastern DISTRICT OF S. C.

THE UNITED STATES OF AMERICA

vs.

Lynwood Lanier Shull (16,603-)

No.

The Clerk of said Court will issue Subpoena for the following-named persons to appear before said Court, at the United States Court Rooms, in Columbia, S.C., at 9:30'clock, A. M., on the 4th day of November, 1946, then and there to testify in behalf of the United States:

Names	Addresses
Lincoln Miller,	Saluda, South Carolina
Allie Walton Bryant,	Batesburg, " Columbia, S.C.
Alton Cox Blackwell,	Bus Driver, Atlantic Greyhound Bus Co., Apt.H-No.1, Colonial Village,
Dr.W.W.King,	Batesburg, S.C.
Dr.Arthur W.Clancy,	M/C Veterans Hospital, Columbia, S.C.
Dr.Mortimer D.Burger,	" " " " "
Mcquilla Hudson,	Route 2, Box 20, Lynchburg, S.C.

This 29 day of October, 1946, 19

Subpoena issued: OCT 29 1946, 19

(See Sec. 829, R. S. U. S.)

7-1306

C. W. Saff United States Attorney.

SUBPOENA WRIT

District Court of the United States of America

EASTERN DISTRICT OF SOUTH CAROLINA

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Eastern District of South Carolina—GREETING:

Western

WE COMMAND YOU to summon

Lincoln Miller, Saluda, S. C.

if he shall be found in your District, to be and appear before our

Judge of our District Court of the United States for the

Eastern District of South Carolina, at the November term thereof

holden at Columbia, S. C. in the District aforesaid, on the

4 day of November, to testify on behalf of Plaintiff

in the case wherein United States Plaintiff

and Lynwood Lanier Shull Defendant

and this you will in nowise omit, under penalty of the law in that case made and provided; and have you then and there this writ.

WITNESS the Hon. J. Waties Waring Judge of our District Court of the

United States of America, at Charleston, S. C. this 29th day

of October, 1946

Ernest L. Allen, Clerk.

District Court of the United States of America
EASTERN DISTRICT OF SOUTH CAROLINA

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To the Marshal of the Eastern District of South Carolina—GREETING:

WE COMMAND YOU to summon

Jennings Stroud, 1917 Green Street, Columbia, S. C.

if he shall be found in your District, to be and appear before our

Judge of our District Court of the United States for the

Eastern District of South Carolina, at the November term thereof

holden at Columbia, S. C. in the District aforesaid, on the

4 day of November to testify on behalf of Plaintiff

in the case wherein United States Plaintiff

and Lynwood Lanier Shull, Defendant

and this you will in nowise omit, under penalty of the law in that case made and provided; and have you then and there this writ.

WITNESS the Hon. J. Waties Waring Judge of our District Court of the

United States of America, at Charleston, S. C. this 30 day

of October, 1946

Ernest L. Allen, Clerk.

16,603

District Court of the United States of America
Eastern District of South Carolina

To Lincoln Miller, Saluda, S. C.

BY VIRTUE OF A WRIT OF SUBPOENA, to you directed and herewith shown to you, you are personally to appear before the Judge of the District Court of the United States for the Eastern District

of South Carolina, at Columbia, S. C., on the 4th. day of November, 1946,

at 9-30 o'clock a. m., to testify, according to your knowledge, the truth in a certain cause then and there

to be tried between United States, Plaintiff,

and Lynwood Lanier Shull, Defendant,

on the part and behalf of the United States

HEREIN FAIL NOT, on pain of penalties that will fall thereon.

Dated at Charleston, S. C. the 29th. day of October, A. D. 1946.

Ernest L. Allen

C., D. C. U. S., E. Dis. of S. C.

District Court of the United States of America

Eastern District of South Carolina

— ⊕ —

To Lincoln Miller, Saluda, S. C.

BY VIRTUE OF A WRIT OF SUBPOENA, to you directed and herewith shown to you, you are personally to appear before the Judge of the District Court of the United States for the Eastern District of South Carolina, at Columbia, S. C., on the 4th. day of November, 1946, at 9-30 o'clock a. m., to testify, according to your knowledge, the truth in a certain cause then and there to be tried between United States, Plaintiff, and Lynwood Lanier Shull, Defendant, on the part and behalf of the United States

HEREIN FAIL NOT, on pain of penalties that will fall thereon.

Dated at Charleston, S. C. the 29th. day of October, A. D. 1946.

Ernest L. Allen
C., D. C. U. S., E. Dis. of S. C.

Form No. 485

Western District of South Carolina, ss.

I hereby certify and return, that on the 31st day of October, 1946

I received the within Subpoena Writ and that after diligent search, I am unable to find the within-named defendants Witness Lincoln Miller

within my district.

Information is that the within named Witness Lincoln Miller is at present residing with his uncle Joe Miller, 2 or 3 miles out of Manning, S. C.

Reuben Gosnell

United States Marshal.

By

Eddie J. Kemp

Deputy United States Marshal.

The Court opened at Columbia, S. C., on NOV 5 1946, according to adjournment

Honorable J. Waties Waring Presiding.

PRESENT

Mrs. A. Cantler sep, Clerk

C. N. Sapp, District Attorney

Louis M. Shimmel, Assistant Attorney

Ben Scott Whaley, Assistant Attorney

Henry H. Edens, Assistant Attorney

C. B. Cushing, Marshal

(Fred S. Rogers admitted for trial of this case)
Bailiff

Lynwood Lanier Shull

Violation
of civil
rights

THE UNITED STATES vs.

ATTORNEY FOR DEFENDANT:

After being furnished with copy

PLEA: of indictment - Information.

Jack D. Hall, Esq. & J. D. Griffith, Esq.
Not Guilty.

SENTENCE:

Jail or Penitentiary

Fine

Time

SUSPENDED:

Payment of fine

Other conditions

Probationed

REMARKS: Exhibits - D-A: Drawing of Bus Station & vicinity

JURY

Wm F. Muckenfuss (F)	Carbott D. Davis	D. Clarence Lorick
Lee Tuten	P. B. Murray	L. C. Gause
H. L. Hickson	Eddie L. Austin	H. Cook Adams
Dillon H. Kirby	Tom Buchanan	Wilbur Faircy
Alternate Jurors: Tom Gandy and W. R. Nelson		

Witnesses for U. S.

Isaac Woodward, Jr.
 Dr. W. W. King
 Capt. Arthur W. Clancy
 Dr. Mortimer J. Borger
 Court recessed at 12:25 P.M.
 Mr. Quilla ^{Reply} Hudson
 Jennings H. Stroud
 Court. adj. at 4:40 P.M. & jury
 retired as motion by Defense
 for verdict of acquittal was
 made. The motion was refused.

Witnesses for Defendant

Alton C. Blackwell
 Elliott Long
 Recess at 1:31 P.M. until 3 P.M.
 Lynwood Lanier Shull
 H. E. Quarles, Jr.
 S. C. Shealey.
 H. M. Caughman
 Archie Beecham
 B. R. Gall
 Defense adj. at 4:30 P.M.

30 ARGUMENT: Mr. Rogers 4:55 - 5:23 for the United States;
 30 Mr. Hall 5:23 - 5:39 Mr. Griffith 5:39 - 5:53 for the Defendant; and
 10 Mr. Sapp 5:53 - 6:03 P.M. in reply for the United States.

Charge: 6:03 - 6:27

alternate jurors were then discharged & the jury retired
 VERDICT: at 6:28 P.M. - The jury returned at 6:56 with

the verdict:
 We, the jury, find the defendant, Lynwood Lanier Shull, Not Guilty & so 5th day of
 November, 1946.

Wm F. Muckenfuss

The Court adjourned at 7:02 o'clock, P.M. until

10 am

NOV 6 1946

ATTACHABLE FORM OF SENTENCE

PLEA

The defendant, Lynwood Lanier Shull, waives arraignment, and
pleads Not Guilty in open Court, this NOV 5 - 1946, 19

Lynwood L. Shull

VERDICT

We, the Jury, find the defendant, _____
_____, this _____ day of _____, 19

Foreman.

SENTENCE

CR: # 16,603

NAME: Lynwood Lanier Shull

ATTY: J. Harold Jeff Sniffles

PLEA: Not Guilty NOV 5 - 1946

Verdict - Not Guilty
NOV 5 - 1946

SENTENCE

FINE: \$ _____

IMP: _____

PROBATION : _____ YEARS

REMARKS:

Verdict: Not Guilty

DATE: NOV 5 - 1946

No. 16,603

Columbia Div.
IN THE DISTRICT COURT
OF THE UNITED STATES

FOR THE
Eastern Dist. of South Carolina

United States of America

vs.

Lynwood Lanier Shull

INFORMATION.

FILED

Filed SEP 26 1946, 1946

ERNEST L. ALLEN, Clerk.
U.S. DISTRICT COURT
 By _____, Deputy.

We, the jury, find the Defendant, Lynwood
 Lanier Shull, Not Guilty this 5 th
 day of November, 1946.

Wm. J. McKeefry
 Foreman